

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 252**  
**97TH GENERAL ASSEMBLY**

1028H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 211.444, 453.010, 453.065, and 453.080, RSMo, and to enact in lieu thereof seven new sections relating to adoption.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 211.444, 453.010, 453.065, and 453.080, RSMo, are repealed and  
2 seven new sections enacted in lieu thereof, to be known as sections 193.132, 211.444, 453.010,  
3 453.065, 453.080, 453.510, and 453.515, to read as follows:

**193.132. 1. As used in this section, the following terms mean:**

- 2       **(1) "Adoptee", the person who is the subject of a birth certificate;**  
3       **(2) "Birth parent", the person who is the biological parent of an adoptee and who**  
4 **is named as the parent on the original birth certificate of the adoptee or shows proof of**  
5 **paternity;**  
6       **(3) "Contact preference form", the form developed by the state registrar under**  
7 **subsection 4 of this section;**  
8       **(4) "Medical history form", the form developed by the state registrar under**  
9 **subsection 3 of this section. At a minimum, such form shall include medical history**  
10 **information regarding:**  
11       **(a) Congenital or genetic history;**  
12       **(b) Psychosocial history;**  
13       **(c) Chronic diseases;**  
14       **(d) Infectious diseases;**  
15       **(e) Allergies;**  
16       **(f) Pregnancy and birth history; and**  
17       **(g) Deaths of birth family members that may affect the medical history.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **2. Notwithstanding any other provision of law, the state registrar shall develop and**  
19 **provide each birth parent with a contact preference form and a medical history form as**  
20 **described in this section.**

21           **3. A birth parent may use a medical history form to describe his or her medical**  
22 **history.**

23           **4. The birth parent may state a preference regarding contact by an adoptee on a**  
24 **contact preference form. The form shall contain the following statements from which the**  
25 **birth parent may choose only one:**

26           **(1) "I would like to be contacted. I have completed this contact preference form**  
27 **and a medical history form and am filing both forms with the State Registrar.";**

28           **(2) "I would prefer to be contacted only through an intermediary. I have completed**  
29 **this contact preference form and a medical history form and am filing both with the State**  
30 **Registrar."; or**

31           **(3) "Do not contact me. I may change this preference by filling out another contact**  
32 **preference form. I have completed this contact preference form and a medical history**  
33 **form and am filing both with the State Registrar.".**

34           **5. Upon receipt of a completed contact preference form and a medical history form,**  
35 **the state registrar shall attach the completed forms to the original birth certificate of the**  
36 **adoptee. A completed contact preference form and medical history form shall have the**  
37 **same level of confidentiality as the original birth certificate.**

38           **6. The state registrar shall develop by rule the forms required by this section and**  
39 **may adopt other rules for the administration of this section. Any rule or portion of a rule,**  
40 **as that term is defined in section 536.010, that is created under the authority delegated in**  
41 **this section shall become effective only if it complies with and is subject to all of the**  
42 **provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536,**  
43 **are nonseverable and if any of the powers vested with the general assembly pursuant to**  
44 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**  
45 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
46 **proposed or adopted after August 28, 2013, shall be invalid and void.**

47           **7. Nothing in this section shall be construed as violating the provisions of section**  
48 **453.121.**

211.444. 1. The juvenile court may, upon petition of the juvenile officer or a  
2 child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement  
3 with such agency under subsection 6 of section 453.010, **the children's division**, or the court  
4 before which a petition for adoption has been filed pursuant to the provisions of chapter 453,  
5 terminate the rights of a parent **or approve the consent to adoption or waiver of consent to**

6 **adoption by a parent, as defined in section 211.442, or of a named father** to a child,  
7 **including a child who is a ward of the court**, if the court finds that such termination **or**  
8 **consent to adoption or waiver of consent to adoption** is in the best interests of the child and  
9 the parent, **as defined in section 211.442**, has consented in writing to the termination of his or  
10 her parental rights **or consented or waived consent to the adoption**.

11 2. The written consent required by subsection 1 of this section may be executed before  
12 or after the institution of the proceedings and shall be acknowledged before a notary public. In  
13 lieu of such acknowledgment, the signature of the person giving the written consent shall be  
14 witnessed by at least two adult persons who are present at the execution whose signatures and  
15 addresses shall be plainly written thereon and who determine and certify that the consent is  
16 knowingly and freely given. The two adult witnesses shall not be the prospective parents. The  
17 notary public or witnesses shall verify the identity of the party signing the consent.

18 3. The written consent required by subsection 1 of this section shall be valid and  
19 effective only after the child is at least forty-eight hours old and if it complies with the other  
20 requirements of section 453.030.

453.010. 1. Any person desiring to adopt another person as his or her child shall petition  
2 the juvenile division of the circuit court of the county in which:

3 (1) The person seeking to adopt resides;

4 (2) The child sought to be adopted was born;

5 (3) The child [is located at the time of] **has resided for at least ninety days prior to the**  
6 filing of the **adoption** petition; or

7 (4) Either birth person resides.

8 2. A petition to adopt shall not be dismissed or denied on the grounds that the petitioner  
9 is not domiciled or does not reside in any of the venues set forth in subdivision (2), (3) or (4) of  
10 subsection 1 of this section.

11 3. If the person sought to be adopted is a child who is under the prior and continuing  
12 jurisdiction of a court pursuant to the provision of chapter 211, any person desiring to adopt such  
13 person as his or her child shall petition the juvenile division of the circuit court which has  
14 jurisdiction over the child for permission to adopt such person as his or her child. Upon receipt  
15 of a motion from the petitioner and consent of the receiving court, the juvenile division of the  
16 circuit court which has jurisdiction over the child may transfer jurisdiction to the juvenile  
17 division of a circuit court within any of the alternative venues set forth in subsection 1 of this  
18 section.

19 4. If the petitioner has a spouse living and competent to join in the petition, such spouse  
20 may join therein, and in such case the adoption shall be by them jointly. If such a spouse does

21 not join the petition the court in its discretion may, after a hearing, order such joinder, and if such  
22 order is not complied with may dismiss the petition.

23 5. Upon receipt of a properly filed petition, a court, as defined in this section, shall hear  
24 such petition in a timely fashion. A court or any child-placing agency shall not deny or delay the  
25 placement of a child for adoption when an approved family is available, regardless of the  
26 approved family's residence or domicile. The court shall expedite the placement of a child for  
27 adoption pursuant to subsection 3 of this section.

28 6. A licensed child-placing agency may file a petition for transfer of custody if a birth  
29 parent consents in writing by power of attorney for placement of a minor child, a consent to  
30 adoption, or any other document which evidences a desire to place the child with the licensed  
31 child-placing agency for the purposes of transfer of custody of the child to the licensed  
32 child-placing agency. The written consent obtained from the birth parent shall strictly comply  
33 with section 453.030.

453.065. As used in sections 453.065 to 453.074, the following words and terms shall  
2 have the meanings indicated:

3 (1) "Child", a person within the state who is under the age of eighteen or in the custody  
4 of the division of family services who is in need of medical, dental, educational, mental or other  
5 related health services and treatment, as defined in this section, or who belongs to a racial or  
6 ethnic minority, who is five years of age or older, or who is a member of a sibling group, and for  
7 whom an adoptive home is not readily available. If the physical, dental or mental condition of  
8 the child requires care after the age of eighteen, payment can be continued with the approval of  
9 the division of family services of the department of social services and subject to annual review;

10 (2) "Diminishing allotment", a monthly payment which periodically diminishes over a  
11 period of not longer than four years at which time it ceases;

12 (3) "Long term subsidy", a continuous monthly payment toward the child's care for a  
13 period of more than four years;

14 (4) **"Post adoption contract agreement", a written agreement approved by the court**  
15 **under subsection 4 of section 453.080;**

16 (5) "Special services", an allotment to a child who is in need of medical, dental,  
17 educational, mental health or other related health services and treatment, including treatment for  
18 physical handicap, intellectual impairment, developmental disability, mental or emotional  
19 disturbance, social maladjustment;

20 [(5)] (6) "Time limited subsidy", a monthly allotment which is continued for a limited  
21 time after legal adoption, not exceeding four years. This compensation is to aid the family in  
22 integrating the care of the new child in their home.

453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. "Lawful and actual custody" shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed:

(a) A postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(b) **An investigation report under section 453.070, if any;**

(c) **An investigation and social study under section 211.455, if any;**

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

(5) There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;

(6) There is compliance with the Indian Child Welfare Act, if applicable;

(7) There is compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620; and

(8) It is fit and proper that such adoption should be made.

2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the adoptive parents are domiciled in that state.

3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, according to the prayer of the petition.

4. Before the completion of an adoption, the exchange of information among the parties shall be at the discretion of the parties. **Prospective adoptive parents and parents of a prospective adoptee may enter into a written post adoption contract agreement to allow contact after the adoption between the parents, siblings, or other relatives of the adoptee**

37 **and the adoptee and the adoptive parents.** Upon completion of an adoption, further contact  
38 among the parties shall be at the discretion of the adoptive parents, **and such adoptive parents**  
39 **may exercise their discretion to enter into a written post adoption contract agreement with**  
40 **the former parents of an adoptee to allow contact between a former parent, sibling, or**  
41 **other relative of the adoptee and the adoptee or adoptive parents. The agreement shall be**  
42 **in writing, signed by the parties thereto, and be made a part of the court record. The**  
43 **agreement shall include:**

44 (1) **An acknowledgment by the former parents that the adoption is irrevocable,**  
45 **even if the adoptive parents do not abide by the post adoption contract agreement;**

46 (2) **An acknowledgment by the adoptive parents that the agreement grants the**  
47 **former parents the right to seek to enforce the post adoption privileges set forth in the**  
48 **agreement.**

49

50 **The court shall enforce a written post adoption contract agreement made in accordance**  
51 **with this subsection unless the court determines that enforcement is not in the best interest**  
52 **of the adoptee.** The court shall not have jurisdiction to deny continuing contact between the  
53 adopted person and the birth parent, or an adoptive parent and a birth parent. Additionally, the  
54 court shall not have jurisdiction to deny an exchange of identifying information between an  
55 adoptive parent and a birth parent.

56 **5. By July 1, 2014, the Missouri supreme court shall develop a standardized form**  
57 **to be used in all adoption cases which includes a checklist to verify all of the documents and**  
58 **procedures required under this section have been submitted, followed, and reviewed by the**  
59 **judge prior to entering a final order. Such form shall include, but not be limited to,**  
60 **attachment of any written reports or assessments required under this section and the**  
61 **signature of the judge attesting to the submission and review of such form and attachments**  
62 **prior to entering a final order. Such form and attachments shall be included as part of the**  
63 **adoption record, and shall only be disclosed in accord with section 453.120.**

2 **453.510. 1. Effective for all adoptions completed after August 28, 2013, an adopted**  
3 **person who is at least eighteen years of age, born in this state, and provides proof of**  
4 **identification, or the adopted person's lineal descendants if the adopted person is deceased,**  
5 **may obtain a copy of such adopted person's original birth certificate from the state**  
6 **registrar in the department of health and senior services unless the birth mother or birth**  
7 **father has objected as provided by subsection 2 of this section.**

8 **2. Prior to the entry of any decree of adoption, the birth mother and birth father**  
9 **shall be provided with a form, developed by the state registrar, by the court to determine**  
10 **whether the birth mother or father wishes to maintain the confidentiality of the original**

10 birth certificate. The birth mother or birth father may signify an objection to the  
11 disclosure of the original birth certificate of the adopted person on the form provided by  
12 the court. If the birth mother or birth father objects, the court shall provide this form to  
13 the state registrar to be filed with the original birth certificate. No decree of adoption shall  
14 be entered in this state until the birth mother and birth father, unless they are unknown  
15 or refuse to do so, have been afforded the opportunity to communicate their individual  
16 wishes as to the disclosure of the original birth certificate.

17       3. (1) If a birth mother or birth father has objected to the disclosure of the original  
18 birth certificate under subsection 2 of this section, then an adopted person who is at least  
19 eighteen years of age, born in this state, and provided proof of identification, or the  
20 adopted person's lineal descendants if the adopted person is deceased, may request that the  
21 department of social services, the child-placing agency which processed the adoption, or  
22 the court personnel make reasonable efforts to notify the birth mother and birth father of  
23 the request of the adopted adult or the adopted adult's lineal descendants. If the  
24 department of social services does not have sufficient information or resources to locate  
25 and notify the birth mother and birth father, the department may refer the adopted person  
26 or the adopted person's lineal descendants to, or work in conjunction with, the child-  
27 placing agency or the court to notify the birth mother and birth father of the request of the  
28 adopted adult or the adopted adult's lineal descendants. The department of social services,  
29 the child-placing agency, or the court may charge actual costs to the adopted adult or the  
30 adopted adult's lineal descendants for the cost of attempting to notify the birth mother and  
31 birth father. All communications under this section are confidential. For purposes of this  
32 subsection, "notify" means personal and confidential contact with the birth mother and  
33 birth father of the adopted adult. Initial contact shall be made by an employee of the  
34 department of social services, the child-placing agency which processed the adoption, court  
35 personnel, or some other licensed child-placing agency designated by the department of  
36 social services, the child-placing agency, or the court. Nothing in this section shall be  
37 construed to permit the disclosure of communications privileged under section 491.060.

38       (2) If the birth mother and birth father consent to the release of the original birth  
39 certificate under this subsection, the department of social services, the child-placing  
40 agency, or the court personnel shall obtain a copy of a notarized form developed by the  
41 state registrar and provided by the court and signed by the birth mother and birth father,  
42 if known, giving consent to release the original birth certificate and provide it to the  
43 adopted person or the adopted person's lineal descendants. The adopted person or the  
44 adopted person's lineal descendants may obtain a copy of the adopted person's original

45 birth certificate in accordance with subsection 5 of this section upon presenting the  
46 notarized consent form to the state registrar.

47 (3) If the birth mother or birth father does not consent to the release of a copy of  
48 the original birth certificate, or cannot be located, such copy shall not be released. The  
49 adopted person, or the adopted person's lineal descendants if the adopted person is  
50 deceased, may request that the department of social services, the child-placing agency, or  
51 the court personnel contact the birth mother and birth father again not less than three  
52 years after the date of his or her original request and not less than three years from the  
53 date of any future requests.

54 4. If the birth mother or birth father objected under subsection 2 of this section,  
55 upon the birth mother's and birth father's death, the adopted person or the adopted  
56 person's lineal descendants if the adopted person is deceased may obtain a copy of the  
57 original birth certificate from the state registrar.

58 5. Any time a copy of an original birth certificate is obtained under this section, the  
59 state registrar shall issue an uncertified copy of the unaltered, original birth certificate to  
60 the adopted person or the adopted person's lineal descendants if the adopted person is  
61 deceased. The copy of the birth certificate shall have the following statement printed on  
62 it: "For informational purposes only - not to be used for establishing identity."

453.515. 1. (1) For all adoptions completed on or prior to August 28, 2013, an  
2 adopted person who is at least eighteen years of age, born in this state, and provides proof  
3 of identification, or the adopted person's lineal descendants if the adopted person is  
4 deceased, may request that the department of social services, the child-placing agency  
5 which processed the adoption, or the court personnel make reasonable efforts to notify the  
6 birth mother and birth father of the request of the adopted adult or the adopted adult's  
7 lineal descendants to request their consent to release a copy of the adopted adult's original  
8 birth certificate. If the department of social services does not have sufficient information  
9 or resources to locate and notify the birth mother and birth father, the department may  
10 refer the adopted person or the adopted person's lineal descendants to, or work in  
11 conjunction with, the child-placing agency or the court to notify the birth mother and birth  
12 father of the request of the adopted adult or the adopted adult's lineal descendants. The  
13 department of social services, the child-placing agency, or the court may charge actual  
14 costs to the adopted adult or the adopted adult's lineal descendants for the cost of  
15 attempting to notify the birth mother and birth father. All communications under this  
16 section are confidential. For purposes of this subsection, "notify" means personal and  
17 confidential contact with the birth mother and birth father of the adopted adult, in which  
18 initial contact shall be made by an employee of the department of social services, the child-



19 placing agency which processed the adoption, court personnel, or some other licensed  
20 child-placing agency designated by the department of social services, the child-placing  
21 agency, or the court. Nothing in this section shall be construed to permit the disclosure of  
22 communications privileged under section 491.060.

23 (2) If the birth mother and birth father consent to the release of the original birth  
24 certificate, the department of social services, the child-placing agency, or the court  
25 personnel shall obtain a copy of a notarized form developed by the state registrar provided  
26 by the court and signed by the birth mother and birth father, if known, giving consent to  
27 release the original birth certificate and provide it to the adopted person or the adopted  
28 person's lineal descendants. The adopted person or the adopted person's lineal  
29 descendants may obtain a copy of the adopted person's original birth certificate in  
30 accordance with subsection 5 of section 453.510 upon presenting the notarized consent  
31 form to the state registrar.

32 (3) If the birth mother or birth father does not consent to the release of a copy of  
33 the original birth certificate or cannot be located, such copy shall not be released. The  
34 adopted person or the adopted person's lineal descendants if the adopted person is  
35 deceased may request that the department of social services, the child-placing agency, or  
36 the court personnel contact the birth mother and birth father again not less than three  
37 years after the date of his or her original request and not less than three years from the  
38 date of any future requests.

39 2. Upon the birth mother's and birth father's death, the adopted person or the  
40 adopted person's lineal descendants if the adopted person is deceased may obtain a copy  
41 of the original birth certificate from the state registrar.

42 3. Any time a copy of an original birth certificate is obtained under this section, the  
43 state registrar shall issue an uncertified copy of the unaltered, original birth certificate to  
44 the adopted person or the adopted person's lineal descendants if the adopted person is  
45 deceased. The copy of the birth certificate shall have the following statement printed on  
46 it: "For informational purposes only - not to be used for establishing identity."

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